

ASSEMBLY BILL

No. 3055

**Introduced by Committee on Water, Parks and Wildlife
(Canciamilla (Chair), Aroner, Corbett, Florez, Frommer,
Goldberg, Kehoe, Kelley, Leslie, and Pavley)**

April 3, 2002

An act to add Section 4826.2 to the Business and Professions Code, and to amend Sections 3050 and 12009 of the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3055, as introduced, Committee on Water, Parks and Wildlife. Fish and game.

(1) Under existing law, it is unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit, any wild animal of certain enumerated species.

This bill would authorize a licensed veterinarian or registered animal health technician to provide veterinary care and treatment for one or more animals enumerated in the provisions summarized above for the period of time that veterinary care and treatment is necessary.

(2) Under existing law, no hunting license may be issued to a person unless he or she presents to the person authorized to issue the license evidence of a current or prior license or completion of a hunter safety course. Evidence of a current hunting license issued by another state or province is acceptable for issuance of a hunting license.

This bill would permit issuing a hunting license upon evidence that the applicant either holds a current hunting license, or a hunting license issued in the 2 previous hunting years by another state or province.

(3) Under existing law, it is unlawful for any person to take abalone from ocean waters without first obtaining an abalone report card, in addition to a valid California sportfishing license and any applicable license validations, and having that report card in his or her possession while taking abalone. Under existing law, it is unlawful for any person to transfer any license, license tag, license stamp, permit, application, or reservation, or to use or possess any license, license tag, license stamp, permit, application, or reservation that was not lawfully issued to the user thereof, or to commit other specified acts with respect to the misuse of licenses.

This bill would require that any person who is convicted of violating the latter provision as it pertains to an abalone report card forfeit his or her abalone fishing privileges. The bill would prohibit a new abalone report card from being issued to that person during the then current license year, and prohibit the person from applying for, receiving, or having an abalone report card issued to him or her the following license year.

(4) Existing law continuously appropriates money in the Fish and Game Fund to the department and the commission to carry out the Fish and Game Code.

By imposing new duties on the department, the bill would make an appropriation.

(5) Existing law makes a violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under that code, a misdemeanor.

By expanding the scope of crimes, this bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4826.2 is added to the Business and
2 Professions Code, to read:



1 4826.2. Notwithstanding any other provision of law, a
2 licensed veterinarian or a registered animal health technician may
3 provide veterinary care and treatment for one or more animals
4 restricted pursuant to Section 2118 of the Fish and Game Code. A
5 licensed veterinarian or registered animal health technician may
6 lawfully possess one or more of the animals only for the period of
7 time that, in his or her judgment, veterinary care and treatment is
8 necessary. No licensed veterinarian or registered animal health
9 technician has a duty to advise law enforcement if he or she
10 becomes aware that one or more of the animals is possessed in the
11 state. For the purposes of this section, “veterinary care and
12 treatment” does not include boarding when no veterinary care or
13 treatment is required.

14 SEC. 2. Section 3050 of the Fish and Game Code is amended
15 to read:

16 3050. (a) No hunting license may be issued to any person
17 unless he or she presents to the person authorized to issue that
18 license any of the following:

19 (1) Evidence that he or she has held a hunting license issued by
20 this state in a prior year.

21 (2) Evidence that he or she holds a current hunting license, *or*
22 *a hunting license issued in the two previous hunting years* by
23 another state or province.

24 (3) A certificate of completion of a course in hunter safety,
25 principles of conservation, and sportsmanship, as provided in this
26 article, with a hunter safety instruction validation stamp affixed
27 thereto.

28 (4) A certificate of successful completion of a hunter safety
29 course in another state or province.

30 (5) Evidence of completion of a course in hunter safety,
31 principles of conservation, and sportsmanship, which the
32 commission may, by regulation, require.

33 (b) The evidence required in subdivision (a) shall be forwarded
34 to the department with the license agent’s report of hunting license
35 sales as required pursuant to Section 1055.5.

36 (c) Subdivision (a) does not apply to any person purchasing a
37 hunting license under paragraph (5) of subdivision (a) of Section
38 3031. However, that license may not qualify as evidence required
39 in subdivision (a) of this section.

SEC. 3. Section 12009 of the Fish and Game Code is amended to read:

12009. (a) Notwithstanding Section 12000, and except as provided in Section 12006.6, the punishment for a violation of any provision of Section 5521 or 5521.5, or any regulation adopted pursuant thereto, or of Section 7121 involving abalone, is a fine of not less than fifteen thousand dollars (\$15,000) or more than forty thousand dollars (\$40,000) and imprisonment in the county jail for a period not to exceed one year. The court shall permanently revoke any commercial fishing license, commercial fishing permit, or sport fishing license issued by the department. Any vessel, diving or other fishing gear or apparatus, or vehicle used in the commission of an offense punishable under this section, may be seized and may be ordered forfeited by the court pursuant to subdivision (c) of Section 12157. Notwithstanding any other provision of law, the commercial license of any person arrested for a violation punishable under this section may not be sold, transferred, loaned, or leased, or used as security for any financial transaction until disposition of the charges is final.

(b) Notwithstanding any other provision of law, the money collected from any fine or forfeiture imposed or collected for the taking of abalone for any purpose other than for profit in violation of this article or any other provision of law shall be deposited as follows:

(1) One-half in the Abalone Restoration and Preservation Account.

(2) One-half in the county treasury of the county ~~in which~~ *where* the violation occurred.

(c) (1) Any person who is convicted of violating Section 1052 as it pertains to an abalone report card shall forfeit his or her abalone fishing privileges and no new abalone report card shall be issued to that person during the then current license year.

(2) No person described in this subdivision may apply for, receive, or have an abalone report card issued to him or her the following license year.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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